

S.R. 202 - By Doggett: Commending the Senate Calendar Clerk staff.

S.R. 203 - By Doggett: Commending the Senate Reproduction Department staff.

S.R. 204 - By Doggett: Commending the Senate Media Services staff.

S.R. 205 - By Doggett: Commending the Senate Sergeant-at-Arms staff.

S.R. 206 - By Doggett: Commending the Legislative Budget Board staff.

S.R. 207 - By Doggett: Commending the Senate Porters.

S.R. 208 - By Doggett: Commending the Capitol Car Guards.

S.R. 210 - By Doggett: Commending the Human Resources Committee staff.

S.R. 211 - By Truan: Extending congratulations to the Odem Owls baseball team.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 3:42 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

SIXTEENTH DAY (Friday, June 29, 1984)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment and was called to order by Senator Vale.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

Senator Chet Brooks offered the invocation as follows:

Almighty God, please look upon us favorably today as we assemble here to try to bring order out of chaos. Help us do Thy will. Help us remember the first commandment of love to our fellow man. Amen.

On motion of Senator Traeger and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Jones submitted the following report for the Committee on Finance:

S.B. 5

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

S.C.R. 21

Senator Jones submitted the following report for the Committee on Finance:

S.B. 34**SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 45 by Caperton Finance
Relating to appropriations to the Texas Department of Corrections for operation of the department and authorizing transfers of amounts previously appropriated to the department.

S.B. 46 by Caperton Finance
Making an appropriation of funds in the municipal court judges and personnel training fund.

S.B. 47 by Caperton Finance
Relating to the reappropriation of funds from the Public Utility Commission to the Office of Public Utility Counsel.

S.J.R. 2 by Caperton, Montford Jurisprudence
Proposing an amendment to Section 3 of Article V of the Constitution of the State of Texas permitting the Supreme Court of Texas to answer questions of state law certified from a federal court and to promulgate rules of procedure.

CO-AUTHOR OF SENATE JOINT RESOLUTION 2

On motion of Senator Caperton and by unanimous consent, Senator Montford will be shown as Co-author of **S.J.R. 2**.

CO-AUTHOR OF SENATE BILL 39

On motion of Senator Blake and by unanimous consent, Senator Caperton will be shown as Co-author of **S.B. 39**.

RECESS

On motion of Senator Brooks, the Senate at 10:10 o'clock a.m. took recess until 11:00 o'clock a.m. today.

AFTER RECESS

The President called the Senate to order at 11:00 o'clock a.m.

SENATE BILL 5 ORDERED NOT PRINTED

On motion of Senator Traeger and by unanimous consent, **S.B. 5** was ordered not printed.

SENATE BILL 5 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, all necessary rules, including the provisions of the Intent Calendar, were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 5, Relating to an increase in the benefits to certain annuities of the Employees Retirement System of Texas.

The bill was read second time and was passed to engrossment.

SENATE BILL 5 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent: Glasgow, McFarland, Sharp, Uribe.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Glasgow, McFarland, Sharp, Uribe.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

S.C.R. 6

S.C.R. 14

SENATE BILL ON FIRST READING

On motion of Senator Whitmire and by unanimous consent, the following bill was introduced, read first time and referred to the Committee indicated:

S.B. 48 by Whitmire

Jurisprudence

Relating to certain transactions involving business machines.

MOTION TO PLACE SENATE BILL 13 ON SECOND READING

Senator Farabee moved to suspend all necessary rules to take up for consideration at this time:

S.B. 13, Amending Section 2, The Certificate of Obligation Act of 1971, as amended (Article 2368a.1, Vernon's Texas Civil Statutes), to authorize certain counties to issue certificates of obligation.

The motion was lost by the following vote: Yeas 18, Nays 12. (Not receiving two-thirds vote of the Members present)

Yeas: Blake, Caperton, Farabee, Glasgow, Harris, Jones, Kothmann, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Vale, Williams.

Nays: Brooks, Brown, Doggett, Edwards, Henderson, Howard, Leedom, Lyon, Mauzy, Truan, Washington, Whitmire.

Absent: McFarland.

The President stated **S.B. 13** was at the top of the Regular Order of Business Calendar and a motion to suspend regular order was not necessary.

SENATE BILL 13 ON SECOND READING

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 13, Amending Section 2, The Certificate of Obligation Act of 1971, as amended (Article 2368a.1, Vernon's Texas Civil Statutes), to authorize certain counties to issue certificates of obligation.

The bill was read second time and was passed to engrossment by the following vote: Yeas 17, Nays 13.

Yeas: Blake, Caperton, Farabee, Glasgow, Harris, Kothmann, Montford, Parker, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Williams.

Nays: Brooks, Brown, Doggett, Edwards, Henderson, Howard, Jones, Leedom, Lyon, Mauzy, Parmer, Washington, Whitmire.

Absent: McFarland.

COMMITTEE SUBSTITUTE SENATE BILL 14 ON SECOND READING

Senator Uribe moved to suspend the regular order of business and all necessary rules to take up for consideration at this time:

C.S.S.B. 14, Relating to the creation and administration of a fund to create employment in areas of natural or economic disasters or chronic unemployment.

The motion prevailed by the following vote: Yeas 22, Nays 8.

Yeas: Brooks, Caperton, Doggett, Edwards, Farabee, Glasgow, Kothmann, Lyon, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Blake, Brown, Harris, Henderson, Howard, Jones, Leedom, Sims.

Absent: McFarland.

The bill was read second time.

Question - Shall the bill be passed to engrossment?

POINT OF ORDER

Senator Blake raised the Point of Order that **C.S.S.B. 14** was not in the Call of the Governor for the 2nd Called Session.

The President sustained the Point of Order.

SENATE BILL 36 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 36, Relating to the creation, administration, powers, duties, operations, functions, and financing of the Brazosport Water Authority.

The bill was read second time and was passed to engrossment.

SENATE BILL 36 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 36** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent: McFarland.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent: McFarland.

SENATE BILL 42 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business and all necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 42, Relating to the jurisdiction of the County Court of Dallas County at Law No. 1.

The bill was read second time and was passed to engrossment.

SENATE BILL 42 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 42** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent: McFarland.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent: McFarland.

MESSAGE FROM THE HOUSE

House Chamber
June 29, 1984

HONORABLE W. P. HOBBY PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 58, Honoring Harry H. Levy, Jr. on his 80th birthday.

H.C.R. 67, Commending Leslie Benitez.

H.C.R. 73, Honoring Mrs. Lula Mae McDaniel.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 40 ON SECOND READING

On motion of Senator Sharp and by unanimous consent, the regular order of business and all necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 40, Relating to the creation of the constitutional office of criminal district attorney of Fayette County and the powers and duties of the district attorney of the 155th Judicial District.

The bill was read second time and was passed to engrossment.

SENATE BILL 40 ON THIRD READING

Senator Sharp moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 40 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent: McFarland.

The bill was read third time and was passed.

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read the first time and referred to the Committee indicated:

H.C.R. 60, To Committee on Finance.

SENATE RULE 103 SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Health and Human Resources might consider S.B. 30 upon noon recess today.

HOUSE BILL 72 SET AS SPECIAL ORDER

On motion of Senator Parker and by unanimous consent, all necessary rules, including 96g, were suspended in order to Set H.B. 72 as Special Order for 11:00 o'clock a.m. tomorrow.

SENATE RULE 103 SUSPENDED

On motion of Senator Jones and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider the following bills upon adjournment today:

S.B. 9

S.B. 31

S.B. 39

SENATE CONCURRENT RESOLUTION 21 ORDERED NOT PRINTED

On motion of Senator Brooks and by unanimous consent, S.C.R. 21 was ordered not printed.

SENATE RULE 103 SUSPENDED

On motion of Senator Blake and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Administration might consider S.B. 35 upon noon recess today.

SENATE CONCURRENT RESOLUTION 21 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, all necessary rules, including the provisions of the Intent Calendar, were suspended to take up for consideration at this time:

S.C.R. 21, Relating to a supplemental appropriation to the Texas Department of Human Resources to provide medical assistance coverage for pregnant women and medically needy children.

The resolution was read second time and was adopted.

RECESS

On motion of Senator Mauzy, the Senate at 12:15 o'clock p.m. took recess until 3:00 o'clock p.m. today.

AFTER RECESS

The President called the Senate to order at 3:00 o'clock p.m.

CONFERENCE COMMITTEE REPORT HOUSE BILL 72

Senator Parker submitted the following Conference Committee Report:

Austin, Texas
June 28, 1984

Honorable William P. Hobby President of the Senate

Honorable Gibson "Gib" Lewis Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **H.B. 72** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

PARKER
CAPERTON
FARABEE
JONES
SANTIESTEBAN

On the part of the Senate

HALEY
MESSER
COLBERT
EVANS
PEVETO

On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator Blake submitted the following report for the Committee on Administration:

S.B. 35

By unanimous consent, Senator Brooks submitted the following report for the Committee on Health and Human Resources:

S.B. 30**SENATE BILL AND RESOLUTION ON FIRST READING**

On motion of Senator McFarland and by unanimous consent, the following bill and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 49 by McFarland

Finance

Relating to conforming the Property Code and related statutes to the laws from which that code is derived and to laws enacted after the date of enactment of all or part of that code or laws.

S.C.R. 25 by Parmer

Administration

Directing the Public Utility Commission to take action to resolve all pending issues relating to the encouragement of small power production, with particular emphasis on renewable forms of energy.

SENATE BILL 30 ORDERED NOT PRINTED

On motion of Senator Brooks and by unanimous consent, S.B. 30 was ordered not printed.

SENATE RULE 103 SUSPENDED

On motion of Senator Jones and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider the following bills upon adjournment today:

S.B. 45

S.B. 46

S.B. 47

MEMORIAL RESOLUTIONS

S.C.R. 24 - By Doggett: Memorial resolution for former State Representative Richard H. Craig.

S.R. 212 - By Washington, Brooks, Williams, Whitmire: Memorial resolution for Mrs. Patty Buch.

S.R. 215 - By Glasgow: Memorial resolution for George S. Walls.

S.R. 216 - By Glasgow: Memorial resolution for Virginia Olson Wickett.

S.R. 217 - By Glasgow: Memorial resolution for Johnie Ellis Smith, Sr.

S.R. 218 - By Glasgow: Memorial resolution for Jamel Stephen "Jimmy" Dieb.

S.R. 219 - By Glasgow: Memorial resolution for Russell Lynn Boyd.

S.R. 220 - By Glasgow: Memorial resolution for John Bray.

S.R. 221 - By Glasgow: Memorial resolution for Paul Richard Chappell, Jr.

S.R. 222 - By Glasgow: Memorial resolution for Mrs. Ruth Collier.

S.R. 223 - By Glasgow: Memorial resolution for Dr. Platt L. Allen.

S.R. 224 - By Glasgow: Memorial resolution for Deputy Clark M. Rosenbalm, Jr.

S.R. 225 - By Glasgow: Memorial resolution for Opal Lee Brown Isenhower.

S.R. 226 - By Glasgow: Memorial resolution for Joseph J. Ballard, Jr.

S.R. 227 - By Glasgow: Memorial resolution for Charles R. Sparks.

S.R. 228 - By Glasgow: Memorial resolution for J. Oliver Shannon.

S.R. 229 - By Glasgow: Memorial resolution for Mrs. Irma Ringo Norris.

S.R. 234 - By Truan: Memorial resolution for Captain Francis Melvin Brown.

CONGRATULATORY RESOLUTIONS

S.R. 213 - By Vale: Extending best wishes to the Thomas Jefferson High School Class of 1944.

S.R. 214 - By Doggett: Commending Paul Gray.

S.R. 231 - By Caperton: Recognizing September 9-15, 1984, as "Women in Texas Week".

S.R. 232 - By Truan: Commending the Fannie Williams family of Corpus Christi.

S.R. 233 - By Truan: Extending congratulations to Mr. Sam Kane.

S.R. 235 - By Truan: Commending Mr. Benny Horton.

S.R. 236 - By Truan: Extending congratulations to Mr. Robert Capello.

S.R. 237 - By Truan: Extending congratulations to the Aransas Pass Progress.

S.R. 238 - By Truan: Commending Dr. James Simpson.

S.R. 239 - By Truan: Commending Mr. and Mrs. Melecio Salinas and their family.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 3:16 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor
(June 29, 1984)

S.C.R. 6
S.C.R. 14

SEVENTEENTH DAY (Saturday, June 30, 1984)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by President Pro Tempore Williams.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

Senator Bill Sarpalius offered the invocation as follows:

Dear Lord, as we approach these last few days of this Special Session, help us always to be mindful and thankful that we do live in a free country and a free state, a representative state of the people. Father, give us the wisdom and the knowledge in these last few days to keep in mind that we are indeed representing our people. Please give us the courage and the strength. In Your most precious Name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.